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COMMISSION ON MENTAL HEALTH

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Authority: P. L. 243-2003

MEETING MINUTES¹

Meeting Date: October 25, 2006
Meeting Time: 1:00 P.M.
Meeting Place: Governmental Center South, 302 W.
Washington St., Conference Room C
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Rep. Cindy Noe, Chairperson; Rep. Charlie Brown; Sen. Vi Simpson; Loretta Kroin; Chuck Clark; Chris Taelman; Stacey Ryan; Margie Payne; Ronda Ames; Jane Horn; Abigail P. Flynn; Valerie N. Markley; Caroline Doebbeling; Kurt Carlson.

Members Absent: Sen. Connie Lawson; Kathleen O'Connell; Bryan Lett.

I. Call to Order

Representative Noe called the meeting to order at approximately 1:20 pm.

II. Presentation of Preliminary Draft 3500: Mental Health and Health Records; Mr. Mike Kempf, IN National Alliance on Mental Illness

Mr. Mike Kempf presented PD 3500 (Exhibit 1) to Commission members and stated that under the PD a psychiatrist or mental health facility may, with or without the offender's consent, provide a copy of an offender's health or mental health record to the facility or an agency responsible for the incarceration of the offender, and that such record follows the individual whenever transferred to another facility. Furthermore, it requires that at the time of release, the offender's record be provided to a mental health facility or provider that is providing mental

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

health treatment to the offender. (Mr. Kempf's written testimony is provided as Exhibit 2.)

The Commission members made several changes to the draft which included the addition of health records throughout the PD; changing the term mental health facility to behavioral health provider; adding behavioral health provider to the list of entities which can be provided a copy of an offender's record; and adding language which requires protection of the records under HIPAA.

The Commission approved the PD by a vote of 13 to 0.

III. Presentation of Indiana State Bar Association Language; Ms. JauNae Hanger, Indiana State Bar Association

Ms. Hanger provided Commission members with a copy of a grant application (project abstract, problem identification statement, and project description) for federal dollars submitted by the Indiana State Bar Association (ISBA). The ISBA's grant was approved, and the dollars will fund a pilot project to be implemented in juvenile detention centers in Indiana dealing with screening, assessment, and treatment of juvenile offenders (Exhibit 3). Ms. Hanger also provided the Commission with sample language about protecting youth against self-incrimination in behavioral health screening, assessment, and treatment (Exhibit 4).

IV. Presentation about Screening, Assessment, and Treatment Initiatives and Protecting Youth Against Self-Incrimination in the Process; Ms. Lourdes Rosado, Juvenile Law Center, Philadelphia

Ms. Rosado presented information to Commission members pertaining to: Youth with Behavioral Health Disorders in the Juvenile Justice System: Screening, Assessment, and Treatment Initiatives and Protecting Youth Against Self-Incrimination in the Process. Her presentation included: (1) youth with behavioral health disorders in the juvenile justice system: prevalence, causes, and implications; (2) an overview of initiatives to address crisis; (3) the right against self-incrimination; (4) potential for self-incrimination in behavioral health examination and treatment; (5) federal protections against self-incrimination in the behavioral health context; (6) current Indiana law and gaps; and (7) model statutes from around the country. (See Exhibit 5.)

Ms. Rosado also provided Commission members with the executive summary of "What Do We Know About the Mental Health Needs of Pennsylvania's Youth in Juvenile Detention?", which includes the findings and recommendations from the Mental Health Assessment of Youth in Detention Project (Exhibit 6). She stated that the full version of the report is available at www.jdcap.org.

The Commission approved a recommendation by a vote of 14 to 0 for inclusion in the final report a statement that "the Commission endorses the concept concerning the self-incrimination of children during screening, assessment, evaluation, or treatment in the juvenile justice system and encourages that it be addressed during the 2007 legislative session."

V. Presentation of PD 3493; Representative Cindy Noe, Chair

Representative Noe presented PD 3493 to the Commission, which pertains to Rules for the Children's Social, Emotional, and Behavioral Health Plan (Exhibit 7). Representative Noe also

provided Commission members with a letter from Governor Daniels to Representative Walorski discussing the State Board of Education adoption of rules pertaining to the Children's Social, Emotional, and Behavioral Health Plan (the Plan) (Exhibit 8), a voter guide from the Indiana Family Institute (Exhibit 9), and a memo from the IN Department of Education pertaining to the Plan and recommendations not requiring legislative action (Exhibit 10).

Representative Brown moved that PD 3493 be tabled. The motion was seconded and approved 13 to 1.

VI. Consideration of Final Report

The Commission approved the final report 11 to 1 and included the following statement as a recommendation: "The Commission supports the Children's Social, Emotional, and Behavioral Health Plan, does not recommend universal screening, and is available to the Department of Education in the development of the Plan's Rules."

VII. Adjournment

Representative Noe noted that Betty Walton, Consultant, Division of Mental Health and Addiction, was unable to present due to time constraints and noted that her handouts (Exhibits 11 and 12) are available on the Family and Social Services Administration, Division of Mental Health and Addiction, Transformation of Mental Health website.

Monica Boyer, Indiana Child Care Association, distributed information about Dr. Karen Effrem and myths and facts regarding mental health screening programs and psychiatric drug treatment for children to Commission members (Exhibit 13).

Representative Noe adjourned the meeting at approximately 4:15 pm.